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United States District Court  
Southern District of New York

_____	)	
Pauline Joseph,	)	
	)	
Plaintiff,	)	
	)	No.
- against -	)	
	)	<b><u>Complaint</u></b>
Compass Two, LLC, &	)	
FLIK International Corp.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, complaining of the Defendants by her attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

**I. Introduction**

1. This is an action for wages and overtime under the Fair Labor Standards Act and the New York Labor Law.

**II. Parties**

2. Plaintiff is a natural person.

3. Defendant Compass Two, LLC, Incorporated is a foreign business corporation with a principle place of business in the State of North Carolina.

3a. Defendant FLIK International Corp. ("FLIK") is a New York business corporation with a principle place of business in the State of North Carolina.

**[continued on next page]**

### **III. Venue and Jurisdiction**

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts claims under federal law and the remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Defendants in that this matter arises from the Defendants' employment of the Plaintiff at a facility which is located in Manhattan.

6. Venue is appropriate in that this matter in the Southern District in that this matter arises from the Defendants' employment of the Plaintiff at a facility which is located in Manhattan.

### **IV. Background**

7. At all times relevant to this complaint, the Defendants (collectively, the "Employer") jointly operated a food service business.

8. Plaintiff was employed by the Employer at Grace Church as a food worker in Manhattan, New York for approximately 20 years until her employment ended in or about April of 2018.

9. Plaintiff regularly started work early and finished late but was not paid for the extra hours, resulting in unpaid overtime work.

10. For example, during the week ending October 20, 2016, the Employer's records show her as having started work each day at exactly 7am each day; taking exactly 30 minutes for lunch each day; and working until exactly 3:30pm that day. In reality, Ms. Joseph started work at approximately 6:30am and worked until approximately 4:30 or later, for total unpaid overtime of approximately 7-8 hours per week.

11. In addition, Plaintiff did not receive proper notification under the Wage Theft Prevention Act.

**V. Causes of Action and Demand for Relief**

Count One: Violation of New York Wage & Hour Law

12. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

13. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

14. The Employer was an employer within the meaning of those same regulations.

15. The Employer violated the above law and regulations in that it did not properly compensate Plaintiff for the hours and overtime hours she worked, did not provide Plaintiff with proper notification.

Count Two: Violation of the Fair Labor Standards Act

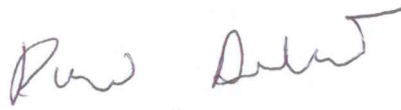
16. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

17. According to its web site, the Employer provides food services throughout the United States, operating at over 400 locations with over 9000 workers. Thus, its annual revenue surely exceeds the \$500,000 threshold of the Fair Labor Standards Act.

18. Moreover, the Employer has numerous workers who use the facilities of interstate commerce. For example, the Employer maintains an office in Rye Brook, New York and a tax department in Charlotte, North Carolina, necessitating regular interstate communication by wire by multiple employees between New York and North Carolina. WHEREFORE Plaintiff demands judgment against the Defendants in the amount of her unpaid back wages, overtime and liquidated damages, in an amount not more than

\$100,000.00 including attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David Abrams", is written above the typed name.

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June 18, 2018  
New York, New York